

REMARKS

In the Office Action dated June 25, 2003, Claims 45-46 are pending. Claim 46 is allowed. Claim 45 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by EP 0544466 (1993).

This response addresses each of the Examiner's rejections. Accordingly, the present application is condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Claim 45 has been rejected under 35 U.S.C. 102(b) as allegedly anticipated by European Patent No. 0,544,466 ("the '466 patent"). Specifically, the Examiner alleges that the '466 patent teaches a peptide, i.e., split (64) proinsulin-tri-arg-analog, that is encompassed by the peptide of Claim 45.

Applicants observe that split (64) proinsulin-tri-arg-analog disclosed in the '466 patent consists of a human proinsulin of which certain residues are substituted and the amide bond between Lys-64 and Arg-65 is broken. Applicants note that the insulin molecules disclosed in the '466 patent all have "the natural structure of insulin." See the '466 patent on page 2, lines 38-40 and the formula on page 3, lines 1-19. Accordingly, split (64) proinsulin-tri-arg-analog is a protein molecule having two chains. In contrast, Applicants observe that Claim 45 is directed to a single chain peptide, as demonstrated by the formula $X_1X_2X_3$, of which X_2 has the sequence of SEQ ID NO: 1 or amino acid residues 24-36 of human proinsulin, whereas X_1 and X_3 each is an amino acid sequence consisting of 0-40 amino acids. Moreover, even assuming that the "A chain" is part of X_1 or X_3 , either X_1 or X_3 must contain two amino acid sequences. Thus, Applicants submit that the peptide recited in Claim 45 is not anticipated by the '466 patent. Applicants have also added new Claims 47-50. Support for Claims 47-50 can be found

throughout the specification, and at page 2, line 21 to page 3, line 5 and Example 3 on page 14 of the specification. No new matter is introduced.

Accordingly, in view of the foregoing amendments and remarks, the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. S. DiGiglio', written in a cursive style.

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